

REMARKS

In the Office Action of 26 May 2005, the Examiner rejected claims 1 through 20 under 35 USC112, first paragraph and 35 USC112, second paragraph for the use of the word “non-vertical.” This word was intended to distinguish the top of the product from the top part of a vertical sidewall. However, the Examiner’s concerns are well taken and the word has been eliminated in the new claims set forth above.

Claims 1 through 7, 15, 16, and 18 through 20 have been rejected under 35 USC103(a) as being unpatentable over Good Housekeeping Complete Book of Cake Decorating (1961) as further evidenced by Step-by-Step, 50 Children’s Party Cakes (Maggs 1994), Wilton 1994 Yearbook, Wilton 1996 Yearbook, Wilton 1997 Yearbook, Birthday Cakes (Coward et al 1994), further in view of Disney’s Family Cookbook (Cook, 5/2/96) and Stewart et al (6,652,897).

Additionally, claims 8 through 14 and 17 have been rejected under 35 USC103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Jamin (3,821,423).

The examiner asserts in his rejection of claims 1 through 7, 15, 16, and 18 through 20 that Good Housekeeping as further evidenced by Wilton Yearbooks, Birthday Cakes, Disney’s Family Cookbook, and the Stewart et al patent that dozens or hundred of three dimensional cake structures are taught. While this is true, although the examiner has provided hundreds of pages of prior art, none teach the combination of a three dimensional cake sculpture product with an edible baked base with a three dimensional decoration on top and a two dimensional substrate on the vertical side walls, as set forth in original claim 2. In order to more clearly emphasize the intent of the invention, all of

the new claims are based on the substrate being specified as a substrate wrap, as was intended with the original claims and as is now specifically called out in all new main claims. In addition to that limitation, all of the claims now have a "consisting of" preamble.

As a point of reference, the idea of the substrate being a wrap is set forth, for example on page 10, line 10 of the original application.

With respect to the rejection of claims 8 through 14 and 17, the examiner has added the Jamin patent to the other nine references, so that a combination of ten references is relied upon in this rejection. However, the Jamin patent does not overcome the shortcomings of the other nine references, as set forth above.

A Petition for Extension of Time to answer, along with the statutory fee is enclosed.

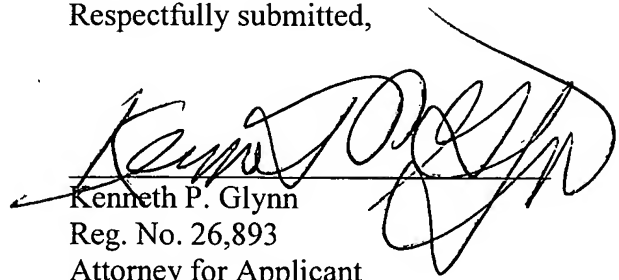
In view of the above amendments and remarks, and the Petition and fee, it is urged that claims 21 through 40 should be allowed.

Thank you.

Respectfully submitted,

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